



Entered on Docket  
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Fiesta Oak Valley Loan**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Fiesta Oak Valley Loan ("Fiesta Oak Valley Loan") [DE 9070] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Fiesta Oak Valley Loan; and good cause  
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 9070] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%  
6 disallowed because those claims are based entirely upon an investment in the Fiesta Oak  
7 Valley Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11  
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

Claim	Date Claim was Filed	Name	Address	Approximate Amount Related to an Investment In The Fiesta Oak Valley Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-01544	12/6/2006	Grundman, Joanne	1608 Brown St Carson City, NV 89701	54,818.09	43,854.47	10,963.62
10725-01468	11/14/2006	Handelman, Gloria & Jim	2324, Caserta Ct Henderson, NV 89074	813,000.00	650,400.00	162,600.00
10725-00582	10/13/2006	Harry B McHugh Revocable Trust DTD 03/12/01	C/O Harry B McHugh Trustee 124 Ruth House Longmeadow, MA 01106-1797	90,000.00	72,000.00	18,000.00
10725-01107	11/8/2006	Harvey, Alderson	2605 E Flamingo Rd Las Vegas, NV 89121	50,000.00	40,000.00	10,000.00
10725-01589	12/8/2006	Jack J Beaulieu Revocable Living Trust DTD 9/1/94	Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, NV 89121	100,000.00	80,000.00	20,000.00
10725-02118	1/11/2007	Johnson JT Ten, Charles E & Janet P	17 Front St Palm Coast, FL 32137	101,552.77	81,242.22	20,310.55
10725-01519	11/29/2006	Irene Anne Markham-Tafoya JT WROS	709 Brightwater Drive Las Vegas, NV 89123	50,000.00	40,000.00	10,000.00
10725-00733	11/8/2006	Louise G Sherk Md Employee Benefit Plan Trust	C/O Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	60,940.27	48,752.22	12,188.05
10725-01433	11/14/2006	Maki, Marie A & Raymond E	9024 Columbia St Saint John, IN 46373-9345	50,830.55	40,664.44	10,166.11
10725-00272	9/27/2006	Mark Combs Pension & PSPS	4790 Caughlin Pkwy Reno, NV 89509-0907	4,406.02	3,524.82	881.20

EXHIBIT A

2456889.1